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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/201,749
Filing Date: December 01, 1998
Appellant(s): ONG, PING-WEN

Kevin M. Mason, Reg. No. 36,597
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/07/08 appealing from the Office action mailed 02/07/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The statement of the status of claims contained in the brief is correct.

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

A Notice of Appeal was filed on June 12, 2002 in related United States Patent Application Serial No. 09/201,751 (Attorney Docket No. Ong 9) and an Appeal Brief was filed on October 21, 2002. An Examiner's Answer was issued on January 14, 2003 and a Reply Brief was filed on March 14, 2003. The patent application was abandoned on October 5, 2004.

A Notice of Appeal was filed on January 24, 2002 in related United States Patent Application Serial No. 09/201,752 (Attorney Docket No. Ong 8) and an Appeal Brief was mailed on April 29, 2002. A new Office Action was mailed by the Examiner on August 1, 2002 in response to the Appeal Brief. A second Appeal Brief was submitted on May 19, 2003. An Examiner's Answer was mailed on July 11, 2003 and a Reply Brief was submitted on September 9, 2003. The patent application was returned to the Examiner on October 25, 2003. A Decision on Appeal was mailed on October 26, 2004. A continuation application was file on December 16, 2004 (United States Patent Application Number 11/014,342).

A notice of Appeal was also filed on March 12, 2003 in related United States Patent Application Serial No. 09/342,408 (Attorney Docket No. Ong 12) and an Appeal Brief was submitted on May 19, 2003. A new Office Action was mailed on July 30, 2003, a Request to Re-instate the Appeal and a Supplemental Appeal Brief was submitted on March 29, 2004. A Decision on Appeal was mailed on February 22, 2005. An Amendment and RCE was submitted on April 22, 2005, a PreAppeal Brief was submitted on April 11, 2006, and the rejection was withdrawn on May 10, 2006. A Notice of Allowance was mailed on June 7, 2006 and the patent issued on October 10, 2006 as United States Patent Number 7,120,862 B1. A continuation patent application was filed on August 18, 2006 (United States Patent Application Number 11/506,534).

A Notice of Appeal was also filed on March 12, 2003 in Related United States Patent Application Serial No. 10/099,121 (Attorney Docket No. Ong 15) and an Appeal Brief was submitted on May 19, 2003. An Examiner's answer was mailed on July 11, 2003 and a Reply Brief was submitted on September 9, 2003. A Decision on Appeal was mailed on July 21, 2005. A Notice of Abandonment was mailed on November 10, 2005.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,559,991	KANFI	9-1996
5,793,966	AMSTEIN ET AL	8-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 6, 8, 12, 15, 16, 20, 22, 26, and 28 are rejected under 35 USC 112, second paragraph.

Claim 1 recites the limitation "a time" in the first claim limitation and "a time in the second and third claim limitations. Claim 8, recites "a desired version" in claim limitation three and "a desired version" in claim limitation four. In claim limitation three "a time" is

recited and again in claim limitation five. Claims 15, 16, 22, and 28 have a similar problem. There is insufficient antecedent basis for this limitation in the claim.

Claims 6, 12, 20 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "request is specified using a browser". It is vague and unclear what "request is specified using a browser". Does Applicant mean "requested timestamp is specified using a browser" or "requested version is specified using a browser". Clarification in the claim language is respectfully requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-7, 9, 10, 12-16, 18, 20-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,793,966) Amstein et al, hereafter Amstein.

With respect to claim 1, Amstein discloses the steps of: receiving a request for the electronic document, the request including a requested time-stamp indicating a time associated with a desired version of the electronic document and a requested domain name associated with said time-stamp (col. 19, line lines 45-65); identifying as a function of said creation time-stamp and said requested time-stamp a desired version of said electronic document having a creation time corresponding to said requested time-stamp (col. 19, line 57-col. 20, line 23); and identifying an address of said desired version of said the electronic document stored on a server corresponding to the requested timestamp as a function of said requested time-stamp and said requested domain name (col. 18, line 65 –col. 20, line 42 and Figures 6A-6C), wherein a server identified by the requested domain name does not provide said desired version at a time of said request and said identified server has a redirected domain name that is different than said requested domain name (col. 24, lines 32-60 and Figure 9 and Figure 10). Amstein did not expressly disclose that the server is identified by the requested domain name. However, Amstein discusses a server in col. 20, lines 13-16 which could be used to perform this step of claim 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server being identified by the requested domain name with the identified server having a

redirected domain name because such feature would make the web pages (HTML files) available to be viewed by the web browser at a redirected web site on the Internet.

With respect to claim 15, an article of manufacture comprising a computer readable medium having a computer readable program code means embodied thereon performing the method of claim 1, and is rejected under the similar rationale.

With respect to claim 16, a method for resolving a domain name performing the method steps of claim 1 and is also rejected for the similar rationale as given above for claim 1.

With respect to claim 22, This claim is rejected for the similar rationale as given above for claim 16.

With respect to claim 28 is an article of manufacture for resolving a domain name for performing the steps of claims 15, 16 and 22. Amstein further teaches, identifying a server associated with the said domain name … (col. 4, lines 1-19 and lines 41-67 and Figure 6B shows a timestamp).

With respect to claims 2, 9, 17, and 23, Amstein discloses, an address identifying the document includes the creation time-stamp (receiving from a user one or more values indicative of one or more selected segments of the streams corresponding to selected intervals of time (Figure 6B (time created:TRI 19 Nov 1995 10:47:33 EST)).

With respect to claims 3,10, 18, and 24, Amstein discloses, the address is a Uniform Resource Locator ("URL") (col. 7, lines 47-56).

With respect to claims 5 and 13, Amstein discloses, transmitting the version of said electronic document with the most recent creation time-stamp proceeding the

requested time-stamp if a version of the electronic document does not exist with the requested time-stamp (col. 17, line 55-col. 18, line 16).

With respect to claims 6, 12, 20, and 26, Amstein discloses, the request is specified using a browser (col. 16, lines 12-35).

With respect to claims 7, 14, 21, and 27, Amstein discloses, the requested time-stamp is a relative time-stamp (chronological indicators including past, present, and future times. Freeman teaches, the requested time-stamp is a relative time-stamp (col. 17, lines 55-61).

With respect to claim 16, a method for resolving a domain name performing the method steps of claim 1 and is also rejected for the similar rationale as given above for claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,559,991) Kanfi in view of (US 5,793,966) Amstein et al, hereafter Amstein.

With respect to claim 8, Kanfi discloses, a memory (col. 2, line 50-col. 3, line 5 and line 37-col. 4, line 36 and lines 49-67) and a processor (col. 2, line 50- col. 3 line 1).

Amstein discloses the steps of: receive a request for the electronic document, the request including a requested domain name and a requested time-stamp indicating a time associated with a desired version of the electronic document (col. 19, line lines 45-65); identifying as a function of said creation time-stamp and said requested time-stamp a desired version of said electronic document having a creation time corresponding to said requested time-stamp (col. 19, line 57-col. 20, line 23); and identifying an address of said desired version of said the electronic document corresponding to the requested timestamp as a function of said requested time-stamp and said requested domain name (col. 18, line 65 –col. 20, line 42 and Figures 6A-6C), wherein a server identified by the requested domain name does not provide said desired version at a time of said request and said identified address has a redirected domain name that is different than said requested domain name (col. 24, lines 32-60 and Figure 9 and Figure 10). Amstein did not expressly disclose that the server is identified by the requested domain name. However, Amstein discusses a server in col. 20, lines 13-16 which could be used to perform this step of claim 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server being identified by the requested domain name with the identified server having a redirected domain name because such feature would make the web pages (HTML files) available to be viewed by the web browser at a redirected web site on the Internet.

Independent claim 8 is a computer system performing the method of claim 1 and is also rejected for the similar rationale as given above for claim 1.

Allowable Subject Matter

Claims 4, 11, 19, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant's Uniform Resource Locator ("URL") having an associated request header for indicating a requested timestamp" was not disclosed by, would not have been obvious over, nor fairly suggested by the prior art of record.

(10) Response to Argument

Argument no. 1, Appellant Argues on page 7, lines 8-26: The rejection of 35 USC 112, second paragraph rejections of claims 1, 6, 8, 12, 15, 16, 20, 22, 26, and 28: In particular claims 1, 15, 16, 22, and 28 for insufficient antecedent basis for the limitation "a time" and regarding claim 8, 15, 16, 22, and 28 for limitations "a time" and "a desired version" and claim 6, for "request is specified using a browser" being vague and unclear as to what "request is being specified using a browser". Appellant notes that all instances of the terms "a time" refer to different times (although the times may have equal value), and the instances of the terms "a desired version" refer to different desired versions (although one or more of the instances of a desired version may identify the same document), Appellant notes that there is only one instance of request recited in claim 1, i.e. "a request for said electronic document" and thus the cited term is clear. The terms suggested by the Examiner, i.e., "requested timestamp" and "requested version", refer to a timestamp and version, respectively, and not to a "request".

Examiner's Response: The Examiner disagrees that there is not a lack of clarity in the claim limitations because "a time" could mean any time such as "a minute or a second or an hour or a day or a week or a month or a year when given its broadest reasonable interpretation. The "requested timestamp" and "requested version" when given their broadest reasonable interpretation in the claim limitations could mean the "requested version of the domain name" in the last claim limitation of claim 8. The "request is specified using a browser" in claim 6 is vague and unclear. When given its broadest interpretation the "request is specified using a browser" could mean the request is for "a timestamp" or "a version of a document". Appellant's claim limitations in the claim rejected under 35 USC 112, second paragraph has a lack of clarity leading to vagueness and indefiniteness in the claim language.

Argument no. 2, Appellant Argues on page 8, lines 19-30 and page 9, line 1, lines 10-14 and lines 24-30: Amstein does not, however, disclose or suggest that the requested time-stamp indicating a time associated with a desired version of the electronic document or requested domain name associated with said time-stamp and second Amstein's disclosure regarding the "attributes stored with the web meta information does not disclose or suggest identifying as a function of said creation time-stamp and said requested time-stamp a desired version of said electronic document having a creation time corresponding to said requested time-stamp, and does not disclose or suggest identifying an address of said desired version of said electronic document stored on a server corresponding to the requested time-stamp as a function of said requested time-stamp and said requested domain name. Amstein does not

address the situation of redirecting a request containing a requested time stamp to a new domain when the requested domain name no longer exists and "a server identified by said requested domain name does not provide said desired version at a time of said request and said identified server has a redirected domain name that is different than said requested domain name. Appellant could find no disclosure or suggestion by Amstein that the requested domain name is different than the domain name of the identified server, or receiving a request for an electronic document, and identifying an address or machine of a desired version of said electronic document stored on a server corresponding to the requested time-stamp (as a function of said requested time-stamp and said requested domain name) wherein the identified server has a redirected domain name that is different than the requested domain name.

Examiner's Response: Amstein discloses in col. 19, lines 45-65 a request for an electronic document including a time-stamp indicating a time associated with the version of the document and a domain name associated with the time-stamp ("Fig. 6C shows the format of a web meta information file named "content/_vti_pvt service.cnf" that corresponds to the example of Fig. 6A. As one example of the web meta information for this web, the attribute named "vti_timecreated" has the value "TRI19 Nov. 1995 10:46:41 EST" indicating that this web was created on 19 Nov. 1995 at 10:46 AM EST"). This is interpreted as reading on this claim limitation because there is a timestamp, a version of the document, and a domain name with timestamp in the column and line numbers cited and Fig. 6A and Fig. 6C.

Argument no. 3: Appellant argues on page 11, lines 4-8: Amstein does not disclose or suggest requests containing time-stamps and Appellant could not find no disclosure or suggestion in Amstein of transmitting the version of said electronic document with the most recent creation time-stamp preceding the requested time-stamp if a version of the electronic document does not exist with the requested time-stamp as recited in claims 5 and 13.

Examiner's Response: It is interpreted that Amstein discloses transmitting the version of said electronic document with the most recent creation time-stamp preceding the requested time-stamp if a version of the electronic document does not exist with the requested time-stamp in column 17, line 55-column 18, line 16, and col. 19, line 52-col. 20, line 42 shows ("two different time stamps and two different versions of the document. Rationale: All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
/Ella Colbert/
Primary Examiner
Art Unit 3696

Conferees:

Mr. Vincent Millin /VM/

Appeals Conference Specialist

/Daniel S Felten/

Primary Examiner, Art Unit 3696

May 20, 2008